

Governor's Advisory Council For Exceptional Citizens (GACEC)



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**ANNUAL REPORT 2009-2010
SUBMITTED BY ROBERT D. OVERMILLER, CHAIRPERSON
AND WENDY S. STRAUSS, EXECUTIVE ADMINISTRATOR**

MISSION STATEMENT

The Council's mission is to provide leadership through advice and advocacy for the unmet needs of citizens of all ages who are exceptional, in order to improve their lives.

- ☛ The term "exceptional citizens" refers to persons of all ages who have special needs. It should be noted that the GACEC State mandate for exceptional citizens includes children with special gifts and talents.

What is the Governor's Advisory Council for Exceptional Citizens?

Statutory Responsibilities

In accordance with CFR 300.650 (b), the Council serves as the State Advisory Panel for the Individuals with Disabilities Education Act (IDEA) and its amendments.

1. Delaware Code: Title 14, Chapter 31, Sub. Sec. 3111
2. Federal Statute: Individuals with Disabilities Education Act (IDEA) and its amendments

The State Advisory Panel will:

- (1) "...advise(s) the state educational agency of unmet needs within the state in the education of children with disabilities;
- (2) comment(s) publicly on any rules or regulations proposed for issuance by the state regarding the education of children with disabilities and the procedures for distribution of funds under this part; and
- (3) assist(s) the state in developing and reporting such data and evaluations as may assist the Secretary under Section 618..."

Historical Background and Performance Measures

The GACEC initially served as the Individuals with Disabilities Education Act (IDEA) advisory panel, monitoring services and making recommendations on behalf of students to the Governor, General Assembly, Secretary of Education, and the State Board of Education. However, the State of Delaware increased the role of the Council in the State to include advising and advocating on the unmet service needs of all citizens with exceptionalities in Delaware from birth to death.

The Council provides no direct services to clients, so we track the number of advisory communications and recommendations through letters and personal contacts as one of our Performance Measures, along with the outcome of our correspondence. Council sent out over 2,400 letters to the Delaware General Assembly, Department of Education (DOE), Department of Health and Social Services (DHSS), and other agencies in the past year, and assisted these agencies with their understanding of the implications of regulator and legislative changes impacting the lives of persons with disabilities. Two years ago it was suggested that a summary be sent to legislators with our letters to make our comments and requests more clear and concise. We implemented that suggestion and hope that it has been helpful to the legislators. We have also begun to submit our letters via e-mail to cut costs. We feel that we are still in a transitional period and have yet to determine if this new procedure is working. We hope that our e-mailed messages will be opened and read just as if they were hard copy letters.

Another one of the Performance Measures shows that Council members and staff participate on over forty-seven advisory councils, boards or committees, such as the Department of Education's Innovative Action Team, Developmental Disabilities Council, State Council for Persons with Disabilities (SCPD), and the Delaware Coalition for Americans with Disabilities, to name a few. Involvement on the various committees or task forces

and collaborations with other councils assists the GACEC in its ability to advise and advocate for systemic changes. Since its inception, Council realized that it cannot operate effectively in a silo. Council prides itself on its advocacy and ability to collaborate. This year, as in past years, Council has worked with individuals in the private sector to assist us with some projects. Also, Council is able to assist in the design of programs, community services and supports for persons with exceptionalities through participation with other groups.

Council educates the general public and disability community regarding disability issues and services related to children, youth and adults. Increased education on disability related issues will lead to improvements in inclusion, productivity and equality for persons with disabilities. People cannot care about what they do not know about or do not understand. Council advises on and provides recommendations for systemic change activities that allow individuals with disabilities and their families to have input into the design of and provision of needed community services. This may include individualized supports and other forms of assistance that promote self-determination, independence and productivity through culturally competent programs.

Our third Performance Measure tracks persons contacted via outreach and awareness activities. Council reached over 12,600 persons at conferences, workshops and electronically. The information that was provided included details about the GACEC and disability issues. The GACEC website continues to provide information on Council activities and other items of importance to the disability community.

The Council faced budget reductions just as other much larger agencies did in 2009, and our employees faced the same 2.5 percent cut as most other State employees did. In spite of those cuts, Council staff continued to work as hard or harder to ensure that the role of the Council continued to be in evidence throughout the State, and that the goals and activities of the Council were purposeful and focused. Council members and staff made changes in how activities were accomplished in order to save limited resources. Most information is now disseminated electronically in order to save on paper and postage. That includes e-mailing letters to our Legislators and agency and/or department heads. Council has been able to collaborate with other agencies in order to share information without having to travel to various conferences. Council is also utilizing technology to allow members to access Council ad hoc committee meetings via teleconferencing in order to save on travel expenses. Council will continue to look for additional ways to save and better utilize our limited resources. We are currently looking into the possibility of video-conferencing which would allow our members to access information presented at our general membership meetings via their computers at home.

During these times of economic hardship, the GACEC strives to continue our advocacy more than ever to enhance the lives of persons with disabilities. As Governor Markell stated in his Blueprint for a Better Delaware, “some children will come to school with special needs and we must do a better job of meeting with the best possible special education programs.” To assist with that effort, Council will continue to provide advice, monitor programs and comment on regulation and legislation to ensure that special education plans are being implemented successfully and the needs of children with exceptionalities in Delaware are being met. The GACEC will continue to provide recommendations to agencies that work with children transitioning into adult services to ensure that they are given the opportunity to become successful and productive members of society.

As Governor Markell pointed out in his “Plan for Improving the Lives of Delawareans with Disabilities”, there are an estimated 115,000 Delawareans with disabilities leading full, independent and productive lives with their own unique challenges. He also mentioned that we must work to reduce the fragmentation in funding and the delivery of services. The GACEC worked with Lt. Governor Denn and the Cabinet Secretaries as we continue to support persons with disabilities in “every aspect of living – housing, support services, transportation, healthcare, working and playing.” Council representatives met with many of the Cabinet Secretaries this year to ensure that they understand the role of the GACEC. We also wanted to encourage collaboration as we all work towards meeting the needs of individuals with disabilities.

As Governor Markell said in his March 2009 budget address, “We need to keep the government’s core commitments. We need to give every child an opportunity to succeed.” Council knows that this includes all children, including those with special needs. The GACEC advocates for necessary improvements to enhance the lives of all citizens with disabilities in Delaware, as well as their families and caregivers. We hope to continue to support the thirty plus active members of the GACEC who collectively donate more than 2000 hours annually to positively impacting the lives of Delaware citizens with exceptionalities and their families



Message from the Chair

Due to budget constraints, the GACEC will continue to format our Annual Report a little differently. The report is a little shorter than normal but we invite you to view our website for more details on the GACEC.

We had a few members resign or leave Council over the past two years for various reasons. They are: Melinda Ciccia Tartaglione, Michelle Arthurs, Jennifer Ridgely, and Darlene Arena. We would like to thank them for all their dedication and the countless hours they put into the Council.

We welcome the following new members: Blake Roberts, Mila Wells, Vanessa Withers-Little, Cathy Cowin, Dafne Carnright and William Doolittle. On behalf of the Council I want to thank all of our members for attending our meetings, working with Council on full Council goals, as well as on committee goals.

The four issues committees as well as the administrative committees have worked very hard this past year to meet their group goals as well as Council goals. I want to thank everyone for their many hours of devoted service to the GACEC. We could not do all that we do without your time and dedication. Your expertise and passion are greatly appreciated. The dedication of your effort and time is helping to ensure equality and inclusion in our great state and nation for individuals with disabilities. Collectively, Council members volunteer over 2,000 hours annually. I would also like to thank the GACEC staff for all of their assistance and support throughout the year.

Council was able to assist in the passage of several pieces of legislation which we will highlight in various places throughout this report. Through personal contacts with Lieutenant Governor Matthew Denn, Cabinet Secretaries, legislators, and through collaboration with key stakeholders we were able to accomplish a lot of success this past year.

Over the past year Council worked diligently to increase parental and community involvement in our membership. We were very successful in increasing membership and participation at our monthly meetings and our ad hoc committee meetings. This past year we worked with the Department of Education in collaboration with many organizations and stakeholders on the Needs Based Funding issues. This was introduced in the 145th General Assembly as House Bill 436. After many meetings, rewrites and wordsmith consultations, there were still some concerns within the disability community about HB 436. It was introduced in the House Education Committee but was tabled. Once again it was placed in the budget epilogue that the GACEC and our ad-hoc committee continue to work with the Department of Education. The GACEC Ad-Hoc committee is comprised of GACEC members as well as other stakeholders interested in special education and student outcomes.

The GACEC is comprised of volunteers from varied backgrounds – parents, teachers, school administrators, and professionals in areas as diverse as social work, prisons, information systems, and the law. We join with a common cause – to improve the lives of persons with exceptionalities in this state. Annually, we plan ambitious goals during our annual retreat, and then review our progress towards those goals as the year progresses. Thank you to one and all.

~Robert D. Overmiller, MSM
Chairperson 2006-2010

Organizational Structure

The GACEC is an all-volunteer Council with a membership composition representing a broad cross-section of Delaware's statewide community. The GACEC holds regularly scheduled monthly meetings at the George V. Massey Station in Dover, unless otherwise noted. These meetings are open to the public with meeting notifications published in several newspapers and on the State of Delaware calendar of events. Officers are elected annually, with the elected chairperson responsible for providing the Council its primary leadership. The Chairperson also oversees the GACEC support staff. The Board of Directors consists of the chairperson of the Council, vice-chairperson of the Council, Chairperson-Elect, Past Chairperson, Secretary/Treasurer and Committee Chairpersons. The Council developed and is guided by its By-Laws and a Code of Ethics to effectively discharge its diverse responsibilities. The GACEC is comprised of two administrative committees: Membership and Personnel. The GACEC also has four issues committees: Infant/Early Childhood, Children and Youth, Adult/Transition Services and Policy and Law.

The four standing issues committees do most of the actual work of the Council. The Infant and Early Childhood Committee are concerned with issues surrounding the identification and initial services for children birth through age five. The Children and Youth Committee looks into specific issues related to the school age children of our community. The Adult Transition Services Committee monitors and works on issues such as housing and vocational opportunities for individuals who are moving into adulthood. The Policy and Law Committee reviews proposed regulations and legislation in order to comment on how persons with exceptionalities in our state will be affected. The two administrative committees handle personnel issues, membership monitoring and recruitment for the Council. Ad-hoc committees are created as needed. This framework has served the GACEC well.



2009-2010 Highlights

The GACEC held its Annual Fall Retreat on September 11 & 12, 2009 at the Virden Center in Lewes, Delaware, as part of the Council's planning activities for FY 2010. Retreat participants included GACEC members and staff, a representative from the Department of Education, Secretary Rita Landgraf of the Department of Health and Social Services (DHSS), Luther Wynder of DART First State, and Linda Lewis of Transformity Consulting. Council members heard presentations from both Secretary Landgraf and Luther Wynder.

Secretary Rita Landgraf gave a presentation on the transformation of the Department of Health and Social Services (DHSS). The mission of DHSS is "...to improve the quality of life for Delaware's citizens by promoting health and well-being, fostering self-sufficiency, and protecting vulnerable populations." Secretary Landgraf discussed the increase in consumers for the Department of Social Services and the work of the twelve divisions within the Department. DHSS is the largest cabinet department and the fifth largest employer in Delaware. DHSS employs 35% of all State employees with over 4000 staff members who work in over thirty locations. DHSS provides services that Delawareans utilize every day across the life spectrum – from birth to death. Those services include Medicaid, Temporary Assistance to Needy Families (TANF,) marriage and birth records, forensic testing, water safety testing, child support enforcement; as well as services for the aging, visually impaired, and for adults with physical, mental, and developmental disabilities. DHSS is also responsible for the management of four long term care facilities and the State's only psychiatric hospital, the Delaware Psychiatric Center.

Secretary Landgraf also talked about the core services provided by the various divisions, the distribution of stimulus funds among those divisions, and the budget issues being addressed by the use of greater collaborations between the State and the private sector. She discussed the brave new world that Delaware is moving into as the government is down sized; government begins to consolidate more and transforms to operate more efficiently with fewer resources.

Luther Wynder of DART First State discussed the new DART automated access system.

The new system was implemented about three months before the GACEC retreat. DART consists of the fixed route system and paratransit service. For paratransit service, consumers call into the reservation system, which Luther oversees, in order to book their trips at least one day in advance. Cancellations or confirmations must also be called in. The new system is automated, although it has not taken away live operators. Callers are able to book, cancel or confirm trips via touchtone telephone without having to wait in a queue. DART realizes that not everyone will be able to utilize this system due to cognitive or physical issues, but noted that it is possible for most consumers who are able to use a touchtone phone to be able to use this system. The system walks consumers through the process step by step. The menu has been simplified and has only seven options. Mr. Wynder led Council members through the process of making a reservation. He discussed the positive aspect of the confirmation of contact information in the process and the assistance it has given in ensuring that the most recent contact information is available. He stressed the importance of updating the contact information that DART has on file because that is the only means of contact that they will have.

Each Paratransit customer is given a client identification number and a password. The password is the last four digits of the home phone number. When consumers call in, the system also provides general announcements that may impact individuals who utilize the paratransit system. The consumer can press '0' at any time during a phone call to be transferred to a live operator if they are unable to navigate the system or have a question. Mr. Wynder provided the office times for paratransit. He discussed the pluses of the system, emphasizing that it is helpful for staff who have been working all day and may make mistakes, or for consumers who may make mistakes or get confused about where they really wish to go. The system reads the reservation back to the

individual and asks for confirmation that everything is correct. It also asks if a return trip is requested. The system is very user friendly.

Linda Lewis of Transformity Consulting. Ms. Lewis assisted Council with its mission statement and the development of Council goals for FY 2010. Ms. Lewis began her discussion with a review of the agenda for the day from her PowerPoint presentation. She discussed the charter of the GACEC which is the State mandate. The charter states that the Council is responsible for advising on the unmet human service needs of exceptional citizens of all ages and to also act as the IDEA advisory panel for the State of Delaware.

Ms. Lewis facilitated Council discussion on setting measurable, attainable goals and prioritizing activities.

COUNCIL GOALS 2009-2010

1. Outcomes for students with exceptionalities will be improved by monitoring and supporting the implementation of the State Performance Plan (SPP), State Improvement Grant (SIG), and No Child Left Behind (NCLB) as the NCLB pertains to students with exceptionalities. The Council will also review the Administrative Manual for Special Education Services (AMSES).
2. The delivery of special education and related services in the least restrictive and natural environments will be improved by reducing funding barriers and improving practice.
3. Programs and services for citizens with exceptionalities will be improved by reviewing and advocating for funding, policies and procedures that positively impact and empower citizens with exceptionalities.
4. The GACEC will influence legislators, agencies, councils and other entities through more effective communication strategies.
5. Delaware Department of Education standards-based reform and accountability efforts will be supported through review and advocacy for the inclusion of students with exceptionalities in all provisions and programs.



The following is a list of GACEC collaborative efforts with other organizations and agencies to promote education and awareness:

- The GACEC **wrote more than 70 letters** to the Governor, Legislators, the Department of Education and other agencies advocating on behalf of individuals with disabilities and their families.
- The annual **LIFE Conference** was attended by over **500** people. **LIFE** stands for Liberty and Independence for Everyone. This is the largest conference focusing on disabilities in Delaware. The four conference strands each year are: legislation, independence through assistive technology, families and education.
- **The Statewide Sleeping Bag Campaign** kickoff was held on September 15, 2009 at Legislative Hall in Dover, DE with approximately **thirty (30)** individuals in attendance. Last year over 2,000 children in Delaware went to sleep without a home to call their own. Homeless children do not have the safety and privacy many of us know and take for granted. They do not have daily routines, adequate health care, or a sense of community. These issues create a life-altering experience. The goal of the committee was to collect 2,600 new sleeping bags. The GACEC spearheaded this event in collaboration with the following agencies/organizations that worked tirelessly on this successful event: The Developmental Disability Council (DDC), The Shepherd Place, Kent County Tourism, Department of Education, Caesar Rodney School District, New Castle County Vo-Tech School District, Food Bank of Delaware, Lower Delaware Autism Foundation, WSFS Bank, Legislative Kid's Caucus, Delaware Oral Health Coalition, Kraft Foods, Inc. and the Super Wal-Mart in Camden, DE. Secretary Rapposelli gave a presentation to approximately **thirty (30)** individuals and spoke about the campaign. Kent County Tourism reached over **900** individuals with the message about the Sleeping Bag Campaign through their newsletter. Through all media outlets, including television, radio and press releases, the GACEC and the committee reached out to close to 6,000 individuals regarding this initiative. At the close of the collection period, over 1200 bags had been collected and distributed.
- The Delaware Council for Exceptional Children (CEC) workshop entitled **"RACE TO THE TOP: Implications for Special Educators"** was held at Polytech Adult Education. This was an evening discussion and dinner with Lt. Governor Matt Denn, Secretary of Education Dr. Lillian Lowery, and Martha Toomey, Director of Exceptional Children Resources at the Delaware Department of Education. There were approximately **100** special education and regular education teachers, administrators and specialists in attendance.
- **The Accessible Bike Program** initiative was a collaborative effort of the Healthy Delawareans with Disabilities Project at the Center for Disabilities Studies, the GACEC, Delaware State Parks and Recreation Department, the Bicycle Council of Delaware, the DDC and the Delaware Office of Highway Safety. The Rifton Company of Rifton, New York donated an accessible bicycle that was placed at Bellevue State Park. A press conference on the unveiling of the bicycle was held on June 16, 2009. There were approximately **thirty (30)** individuals present at the press conference which aired on television that evening. The bicycle is available to adolescents and adults to rent free of charge.
- **The DART-Verizon Wireless Transit-Link Pilot Program** was launched in conjunction with the passing of House Resolution 28 on June 16, 2009, with the GACEC being one of the partners. A pilot program was created to provide cell phones with limited services to **twenty-five (25)** individuals who rely on DART paratransit services. Many of these individuals will experience adverse health and/or emotional problems in the event of delayed or missed

appointments. During the pilot program, cell phone service was limited to calling the DART reservation desk and 911. The following organizations and state officials worked together to organize and implement the program: Representative Valerie Longhurst, Delaware Department of Transportation (DELDOT), DART Paratransit, Verizon Wireless, DDC, AARP, SCPD and the GACEC.

- **Disability Awareness Legislative Event** –Participants spent the afternoon at Legislative Hall speaking with their legislators on policy issues, such as ensuring that school districts throughout Delaware have qualified speech and language pathologists and other educational professionals. Over **200** individuals received information on disability related issues at Legislative Hall after the informative training session.
- The GACEC is a member of the **Universal Design Coalition**, created by the Developmental Disabilities Council (DDC). The Universal Design Coalition encourages the State of Delaware and builders to incorporate “universal design” standards. Universal design standards attempt to incorporate home designs that will facilitate allowing individuals to age in their own homes, and also be accessible for persons with disabilities. The idea is to make more housing available to more people at little or no extra cost. The GACEC endorsed **HB 426**, which requires that all newly constructed dwelling units using public financial assistance be built using universal design standards. The bill did not pass; but the Universal Design Coalition is forming a “working group” to determine what language would be more effective to help the bill to pass.
- GACEC Executive Director Wendy Strauss is a member of the **SCPD Policy and Law Committee**. This committee reviewed and/or provided comment on 103 proposed or final regulations, thirty-one State bills, two Federal bills, three Executive Orders and many other policies which impact persons with disabilities. The SCPD Policy and Law Committee’s comments affected at least thirty-four amendments in these contexts. The SCPD Policy and Law Committee initiated the passage of SB 285 which promotes the accessibility of polling locations. The SCPD P&L committee approached the General Assembly on the accessibility of public accommodations and strongly promoted HB 237, which requires businesses and other establishments to have automatic doors or accessible call buttons. The committee was actively involved in the activities surrounding the passage of important pieces of legislation also [e.g. HB 283 (rights for children who are Deaf), HB 328 (Free Appropriate Public Education), HB 345 (American Sign Language as a World Language), HS 1 to HB 348 (enhanced protections for “vulnerable” adults), HB 351 (Aging & Disability Resource Center) and SB 184 (Telecommunications Advisory Committee)].
- The GACEC became a stakeholder in the **Building Partnerships Initiative (BPI)**. This is a two year project funded by the Office for Victims of Crime (OVC) of the U.S. Department of Justice and administered by Delaware’s Criminal Justice Council (CJC). The purpose of the project was to replicate the Massachusetts BPI project which links law enforcement, adult protection and human services creating a multi-disciplinary approach to violence committed against persons with disabilities. One of the goals of the initiative was to implement procedures to track crimes.
- **FY 2011 Educational Block Grant Funding-** The GACEC took the lead on an initiative regarding concerns with a flex-spending plan for five districts approved by the Joint Finance Committee (JFC) and included in the Grant-in-Aid Budget Bill. This was undertaken in

collaboration with the SCPD, Disabilities Law Program (DLP), and the Developmental Disabilities Council (DDC). The five districts would have received "grant" funding, allowing them to spend the money where they see fit instead of utilizing the funding specified by line items in the budget. This could have diluted programs designated for students with disabilities. The GACEC, with formal support from the DDC and SCPD, sent a letter in opposition to the proposal to the JFC. The SCPD and DDC shared information and concerns with legislators who refused to support the bill unless "special needs programs" were ensured funding instead of having to compete with other programs. As a result, the flex-spending plan was stricken from the budget so there would be no reduction in services for students with disabilities.

- **Interpreter Regulations** – GACEC staff were members of the Council on Deaf and Hard of Hearing Equality (CODHHE) ad hoc committee, established in August 2009 to review and amend the current "Interpreter/Tutor" regulations. School districts are hiring people who are not qualified under the current requirements of the Interpreter/ Tutor regulations (14 Admin. Code, Section 764) and placing them in an Interpreter role. In addition, school districts are hiring individuals to act as Interpreter/Tutors who are actually paraprofessionals or teachers' aides who lack the sign language skills, experience and qualifications to interpret in an educational setting. The paraprofessional or aide is trying to do the job of an Interpreter without the experience, skill or pay of an Interpreter. Another concern mentioned by the ad hoc committee is in Section 3.2 of the aforementioned regulations regarding the statement that an Interpreter/Tutor may be a person who "maintains a current and valid license and is certified as a Teacher of the Hearing Impaired." Being a licensed and certified Teacher of the Deaf is not a guarantee that the individual has sign language skills sufficient to interpret in an educational setting. Proposed amendments are to be provided to the Department of Education (DOE) in early FY 11.
- **HB 283** – The GACEC, SCPD and CODHHE actively participated in meetings with Delaware Families for Hands & Voices to provide recommendations regarding draft legislation which creates certain rights for children who are deaf or hard of hearing in the Delaware school system. The bill was introduced on May 27, 2010 and had passed both the House and Senate as of June 30, 2010.
- **CLASI Fair Housing Project** – The GACEC provided representation at a presentation by the Disabilities Law Program (DLP). Materials were also received from the Community Legal Aid Society, Inc.'s (CLASI) Fair Housing Program. CLASI received a Housing and Urban Development (HUD) grant in FY 09 for fair housing advocacy. The project addresses housing discrimination with an emphasis on protecting people with disabilities. DLP also provided updates about reasonable accommodations and some of the current issues that were referred to the project.
- **SCPD Brain Injury Committee** - GACEC Executive Administrator Wendy Strauss is a member of the SCPD Brain Injury Committee (BIC). The mission of the Brain Injury Committee (BIC) is to improve the lives of Delawareans with brain injury by providing the following: 1) a forum for the sharing and analysis of information; 2) a network to identify and facilitate acquisition of enhanced resources; 3) a technical assistance provider to educate public and private policymakers; and 4) an advocacy agency to promote a consumer oriented, effective injury and prevention service delivery system. BIC provided information to DOE regarding a "Virtual School" website which is essentially web based technology that provides

information about students with brain injuries to school personnel. As a result, DOE sent the link for the virtual school to special education directors to share with staff.

- **House Concurrent Resolution (HCR) 19** ushered in a new beginning for Delawareans and the public school system. On October 13th, the first press conference was held at William Henry Middle School regarding **Disability History and Awareness Month** due to the passage of HCR 19. HCR 19 proclaims the month of October to be “Disability History and Awareness Month” in Delaware and encourages all Delaware schools annually during the month of October to provide instruction and events focusing on disability history, people with disabilities and the Disability Rights Movement. People from the disability advocacy community, education community, and other agencies that support education, students, and individuals with disabilities all came together in recognition of Disability History and Awareness Month. Beverly Walker, a Delaware high school student with a disability, worked with a team to design fliers that were sent electronically to public schools throughout the state. Representative S. Quinton Johnson, Senator Bethany Hall-Long and Nancy Wilson of the Delaware Department of Education were among the many in attendance at the press conference.



Many schools participated in **Disability History and Awareness Month** events statewide and implemented some wonderful activities to promote disability history and increased awareness. Currently, plans are being made to keep this initiative in the forefront, and we are recruiting additional individuals who are interested in participating in the planning process.

The GACEC distributed resource manuals that included brochures on different disabilities and organizations that work with people with those disabilities, to local schools. A copy of the resource manual and sample lessons were also included in resource kits that were placed at various organizations and schools throughout the state.



GACEC display at the Dover Public Library, showcasing Disability History and Awareness Month

- Lt. Governor Matt Denn took the challenge and read the book, “Someone Special, Just Like You,” by Tricia Brown to students at Bunker Hill Elementary School during the month of October 2010. This book emphasizes the importance of understanding the many things we all have in common. The book is intended to open the eyes of young children and lead to full acceptance of their peers of all abilities.



Lt. Governor Matt Denn reading “Someone Special, Just Like You” to students at Bunker Hill Elementary School.

GACEC Infant and Early Childhood Committee 2009-2010

- The Infant/Early Childhood committee has had a very busy year. The Infant and Early Childhood Committee meets monthly to stay informed on new initiatives and ongoing projects affecting children with disabilities and their families. The committee also focuses on the quality and availability of services to support these children's development and to be sure that they are included in their communities. At monthly meetings, committee members keep each other abreast of relevant issues.
- GACEC Infant and Early Childhood Committee Chair Julie Johnson has had success with starting up a Delaware Chapter of Hands & Voices, as well as maintaining a position on the Appoquinimink School Board. Johnson says, "Hands & Voices is a nationwide non-profit organization dedicated to supporting families and their children who are deaf or hard of hearing, as well as the professionals who serve them. They are a parent-driven, parent/professional collaborative group that is unbiased towards communication modes and methods. Their diverse membership includes those who are deaf, hard of hearing, and hearing impaired and their families who communicate orally, with signs, cues, and/or combined methods. They exist to help our children reach their highest potential." <http://delawarehandsandvoices.bbnw.org/>
- Rosanne Griff-Cabelli and Susan Campbell from the Child Development Watch Part C programs presented information to the committee. They provided a review of their annual performance report:

<http://www.dhss.delaware.gov/dhss/dms/epqc/birth3/files/stperformancereport0708.pdf>.

One major discussion area was on the transition meetings that are required to take place before the third birthday of a child transitioning into Part B services. Transition is an area of focus for the committee, which collaboratively discussed better ways of clarifying the information shared during the meetings for parents, since these meetings (and IEP meetings as well) are often a bit confusing and/or overwhelming for parents.

- The Pre-School Early Learning Foundations (ELF) has been commented on and the final draft should be coming out in the fall of 2010. Jim Lesko of the Department of Education spoke with the committee. Mr. Lesko is the new director of the Early Childhood Work Group. This group had previously been a part of the Exceptional Children Work Group, but it is now separate. Jim spoke about early childhood targets and outcomes and shared data on how kids are ranked. Ninety percent of students are showing substantial progress.
- The Committee continued to follow the **Delaware Stars for Early Success** program. As of April 2010, Delaware Stars has successfully enrolled 154 programs, including family and large family child care, early care and education, and school-age centers. By 2015, the goal is to have 75% of centers and 15% of family care programs participating in Delaware Stars quality improvement efforts, contingent upon funding.

- The Infant/Early Childhood Committee continues to follow the implementation of the new Child Care Rules as well as the development of new rules for Family Child Care.
- The committee met with Samtra Devard of the Hope Center. The mission of the Hope Center is to “... help families, educators and other professionals with how to see possibilities for every child and to set positive expectations to achieve those possibilities.” The Hope Center provides support and cultivates hope through HOPE Center Network programs and services. The program works to “...grow capacity for leadership in order to promote working in partnership on behalf of their children and change.” Ms. Devard also provided information on Balcony People. Balcony People are a group of volunteers united in providing a network of support and source of encouragement for individuals with disabilities and their families. More information on the Hope Center may be found on their website at www.hopecenterofde.com.
- Committee Co-Chair Jennifer Pulcinella and Executive Administrator Wendy Strauss represented the GACEC at a press conference at Legislative Hall in support of **House Bill 199** with Lt. Governor Matt Denn. HB 199 requests that insurance companies cover the cost of developmental testing for children birth to three as a part of Part C.
- The committee’s main goal involved following the progress of new initiatives and ongoing projects affecting children birth to five with exceptionalities and their families. They looked at the quality and availability of services to support their development and include them in their communities. Many projects were proposed and completed and the GACEC Infant and Early Childhood Committee saw a lot of successes.



“Every child begins the world again.”
~**Henry David Thoreau**

GACEC Children and Youth Committee 2009-2010

- The Children and Youth committee had a busy year as they monitored issues impacting school age children. The committee reviewed new graduation requirements and learned how these will affect the education and graduation rates of students with special needs.
- The committee met with Martha Toomey to discuss the Annual Performance Report, indicators, goals and action plans. The committee also inquired about the number of children with IEPs who are placed in alternative schools. The committee continued to review improvement activities associated with student outcomes and least restrictive environment.
- The committee met with the Adult Transition Services Committee regarding the State Performance Plan (SPP) Indicator 8 (Parental Involvement) and Indicator 13 (Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.)
- The committee reviewed the Speech Language Pathologists (SLP) Task Force Report which contained numerous recommendations. Delaware is one of three states which do not have an SLP program offered in a state university or college. The committee decided to ask for a panel discussion to be held at the GACEC Retreat in September 2009. The committee will continue to follow-up on this very important topic.
- The committee reviewed the data showing how many students are receiving related services in Delaware. The related services being offered and what services are lacking in Delaware schools was also discussed. The committee will be meeting to focus on developing a framework for training teachers which can then be presented to the DOE. The hope is that something can be added to professional development days for teachers.
- The committee discussed the process between parents, teachers and related services personnel regarding communication in schools, i.e. is there a parent log book? Do parents know when their child did not receive services on any given day? The committee will continue to follow up on this.
- Gifted and Talented services in schools remain a concern of the committee. Committee members conducted research and found that there are no national standards for identifying students who may be considered gifted and talented.
- Throughout the year, the committee discussed drop out rates, school accountability, inclusion, Response to Intervention (RTI,) and the continuing need for Speech Language Pathologists.



A Speech Language Pathologist working with a child. Delaware is one of only three states which does not offer a degree program in Speech Language Pathology at any college or university.

GACEC Adult Transition Services Committee 2009-2010

- The Adult Transition Services committee had a busy year monitoring services for young adults with disabilities transitioning into adult services. Their goals and activities included the following:
- The first goal that the committee worked on was to advocate for improvements in the provision of medical, dental, social and other health services for persons over the age of eighteen who are transitioning into adult services.
- In September 2009, the Developmental Disabilities Council (DDC) invited advocates to tour the newly built Mary Ann Coverdale Medical Building (MAC) at the Stockley Center in Georgetown. After the tour, one of the members of the ATS committee contacted the Division of Developmental Disabilities Services (DDDS) to discuss how the MAC could be utilized not only by Stockley residents, but Delawareans with disabilities across the state. A group was formed consisting of DDDS personnel, the Center for Disabilities Studies (CDS), the State Council for Persons with Disabilities (SCPD), the DDC, and the Governor's Advisory Council for Exceptional Citizens (GACEC), as well as representatives from other disability organizations and the community. The vision for MAC is to be an accessible health and wellness resource center for individuals with disabilities and their families in Delaware. In addition, our vision includes people in the surrounding community who may also be experiencing the same difficulties in finding services. This may include medical (primary and specialty care), dental (preventive, screening, treatment), therapeutic (OT, PT, AT), wellness (alternative treatments, e.g. massage, chiropractic, etc.), educational (information, training) and referral services. Services may be provided for individuals with disabilities who have aged out of pediatric services and their families; as well as for individuals who live in the community but lack access to necessary services in Delaware. The vision that Secretary Landgraf has for the Stockley community is that of an accessible, inclusive, and 'green' community for people with and without disabilities which will provide housing, employment, recreational opportunities, shopping, medical care, etc... These discussions will continue with the GACEC and CDS leading the way.
- A second goal of the committee was to advocate for the removal of barriers which may limit accessibility for persons with disabilities in public areas and advocate for notice of access in public areas, to include recreational areas.
- The GACEC formed a collaborative recreation group with representatives from the DDC, SCPD and CDS. Through meetings with the Department of Natural Resources and Environmental Control (DNREC) and a field trip to Cape Henlopen, DNREC was made aware of accessibility issues at Delaware beaches. Paul Nicholson from DNREC has met with ATS Committee and the recreation committee. These are the changes that were made as a result of this committee.

Rehoboth Beach:

- Some sidewalks providing access from street ends in Rehoboth Beach were taken up and replaced to achieve ADA compliance as part of the reconstruction project.
- The city of Rehoboth transformed some standard parking spaces into handicap-accessible spaces, including some new van accessible spaces.

- Two handicap-accessible dune crossings at Rehoboth Beach are co-located with sheds that house Beach Wheels.
- The city of Rehoboth was pleased to install Mobi-Mats (<http://www.mobi-mat-chair-beach-access-dms.com/en/>), which afford those in electric or standard wheelchairs or even those with walking disabilities easier access to the sandy beach area. Mobi-Mats are three-dimensional polyester mesh portable, movable, permeable paths or walkways that provide access to otherwise inaccessible areas.
- Cape Henlopen Parks and Rehoboth Beach partnered in purchasing Mobi-Mats for the summer of 2009. Cape Henlopen Park in Lewes will have one installation this year, as will Rehoboth Beach. The installation is located at the handicap-accessible dune crossing at Maryland Avenue. To date, a Mobi-Mat "travel lane" has been installed, extending from the Boardwalk to the beach edge at the toe of the dune system.
- After constructing a necessary transition/connector piece, installation of an additional leg to parallel the dune will begin. This section is a bit wider than the travel lane and is to serve as a sitting area for persons with disabilities and their families to set up their beach blankets on or near the mats.
- The Mobi-mat is seeing lots of use and the City of Rehoboth is receiving 'thumbs up' from users. We intend to monitor the use of this product and evaluate the success of its installation to see if we could expand the program in future years.
- The Division of Parks and Recreation has also purchased and installed several sections of Mobi-Mat at Cape Henlopen. The Mobi-Mat extends Americans with Disabilities (ADA) access from the boardwalk ramp onto the actual beach. There is now a 33' x 78" wide section for personal wheelchairs to park on the beach. Wet wheel chairs are still available for water entry.



A DNREC worker installs Mobi-Mats at Cape Henlopen State Park. Mobi-Mats allow for greater accessibility to The beach's sandy areas for Persons with Disabilities.

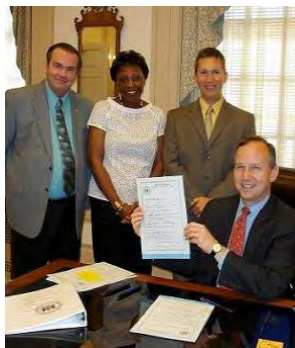
- The ATS committee is also responsible for monitoring the prison education system since there are large numbers of young adults who need special education services in the correctional system. Maureen Whalen from the Delaware Department of Education (DOE) came and talked to the group about education in the prison system. Jim Welch, Bureau Chief of the Department of Corrections (DOC) Health Services also spoke to the committee about medical care in the prison system. Both the education and health services systems within the prison system are changing rapidly and ATS will continue to monitor these changes as they pertain to the best interests of persons with disabilities. We once again received the annual report and will continue to request that report.

- Another goal of this committee is to advocate for increased training, goal setting and person-centered employment opportunities for citizens with exceptionalities.
- Committee members Barbara Riley, keeps the committee up to date on what is happening at the Division of Vocational Rehabilitation (DVR). Barbara will continue to keep the committee informed on any changes so they will be able to comment on them.
- An ad hoc committee has been working very closely with Dale Matusevich, State Transition Coordinator with DOE. The ad hoc committee is working on a transition brochure that will go along with the new one-stop transition website that has not been finalized yet. These brochures will be given to schools and other venues for students and families transitioning from school to work, recreation, higher education, day programs, adult healthcare, etc...
- A major goal of the Adult Transition Services Committee is to advocate for accessibility for all citizens with physical disabilities. Executive Administrator Wendy Strauss has continued to work with the DDC Universal Design Committee. The committee has worked closely with legislators this year on draft legislation. The draft legislation would require builders to include accessible features in new housing.
- The ATS committee continues to advocate for improved transportation services across Delaware for people with disabilities. ATS monitors DART and DAST services. Cathy Smith from DART presented information to the GACEC. ATS members asked questions and voiced concerns at that time.

GACEC Policy and Law Committee 2009-2010



- This year the Policy and Law Committee reviewed thirty-two pieces of proposed legislation and forty-three proposed regulations, along with several policy change drafts and interagency agreements. See **Appendix A and B** for a full listing of responses and outcomes of regulations and legislation commented on by the Council after review by the Policy and Law committee. Several key pieces of legislation are listed below.
- Council endorsed **House Bill 283 (Deaf/Hard of Hearing Bill of Rights)**, which creates certain rights for children who are deaf or hard of hearing in the Delaware School System. Governor Markell signed this bill into law on September 10, 2010.
- There were several other proposed bills endorsed by the GACEC which impacted persons with disabilities. **HB 386 (School Board Member Special Education Hearing Training)** This bill requires school board members to receive training concerning special education due process hearings. This bill was signed by Governor Jack Markell on June 29, 2010.



Governor Jack Markell signs HB 386 into law on June 29, 2010.

- **HB 387 (Notices of Special Education Hearings and Appeals to Local School Boards)** This bill provides for certain notice provisions concerning due process hearings involving children with disabilities relating to education of those children. Additionally, the bill provides that before a school district can appeal the decision of a due process hearing, a majority of the school board for such district must by affirmative vote decide to appeal. This bill was signed by Governor Jack Markell on June 29, 2010.
- Council endorsed **SB 122 (DPC Employee Criminal Background Checks and Mandatory Drug Testing)** This Act requires that all Delaware Psychiatric Center employees providing

direct care to patients be subject to criminal background checks and drug testing. The drug testing provides for both pre-employment testing and testing where reasonable suspicion that an individual is impaired by an illegal drug exists. It was signed by Governor Jack Markell on June 15, 2010.

- Council wrote a letter endorsing the piloting of a new funding system for special education in FY 2008. In 2008-2009, Council formed an ad hoc committee to discuss some of the changes to Delaware Code that would come about as a result of the **Needs-Based Funding** system. Epilogue language in the June 30, 2009 budget added the remaining districts to the pilot. As per the Budget Epilogue Language the GACEC ad hoc committee will continue to meet to discuss the changes with DOE until the regulations are drafted. The Federal deadline for the completion of this work is February 1, 2011.
- Council endorsed **Senate Bill 254 (State Civil Penalty Trust Fund.)** This Bill creates a State Civil Penalty Trust Fund. Currently, all sanctions which are imposed as a result of the surveys and complaint investigations of this division are placed in the Long Term Care Residents Trust Fund which is governed by very restrictive federal regulations. It is not compulsory to put the revenue derived from State sanctions into the Long Term Care Trust Fund—but that has been our practice. By splitting the money, and creating a fund which receives civil penalties imposed pursuant to state statutes and regulations, the division will be better able to support community based residential efforts while, at the same time, taking care of long term care needs with the Long Term Care Trust Fund. This bill was signed by Governor Jack Markell on June 28, 2010.
- Council provided written comments and commented publically at a press conference called by Lt. Governor Matt Denn in support of **House Bill 328**, which ensures that children with disabilities are entitled to a world class education. “A serviceable Chevrolet,” is no longer acceptable language for parents asking for a Free and Appropriate Public Education (FAPE). This bill requires courts, administrative tribunals, school districts, and schools to use the definition adopted by the Third Circuit Court of Appeals of “free and appropriate education” with respect to children who are disabled. Precedents for this region of the country have been interpreted by the United States Third Circuit Court of Appeals in *Ridgewood Board of Education v. N.E.*, 172 F.3d 238 (3d. Cir. 1999).
- **House Bill 254 (Act to Amend Title 14 of the Delaware Code Relating to Education of Exceptional Citizens)** This bill makes grammatical revisions to Chapter 31 of Title 14 relating to Exceptional Persons. The revisions in this bill include changing the words “handicapped” to “disabled” and “handicapped children” to “children with disabilities” each time they appear in Chapter 31, along with other technical changes. This bill made no substantive revisions to Chapter 31.
- **HB 229 (Hand-Held Cell Phone Ban.** This bill prohibits the use of cell phones while operating a motor vehicle on the roadways of the State of Delaware. Council wrote a letter of endorsement and shared observations. The bill was signed by Governor Jack Markell on June 1, 2010.
- Council provided a letter of support for **HB 304 (Rape by Persons in Positions of Trust, Authority or Supervision).** This bill provides that a person who stands in a position of trust, authority or supervision over a child who is at least 16 years old but not yet 18 years old, and

intentionally engages in sexual intercourse or sexual penetration with such child or an invitee or designee of such person shall have committed the offense of Rape in the 3rd Degree which is a Class B Felony. This offense is currently Rape in the 4th Degree which is a Class C Felony. It was signed by Governor Jack Markell on May 21, 2010.

- Council wrote a letter of endorsement on **SB 225 (Absentee Voting)**. This bill protects voters email addresses from being disseminated outside of the Departments of Elections and establishes a permanent absentee status for voters who are disabled and individuals eligible to vote under the provisions of the Uniformed and Overseas Citizen Absentee Voters Act (UOCAVA). It also permits the State to better comply with the provisions of the Military and Overseas Voter Empowerment Act by providing more time between the withdrawal deadline and the date of the Primary. It was signed by Governor Markell on May 21, 2010
- Council endorsed **SB 255 (Removal of Bar on Food Supplement Program Eligibility Based on Drug Conviction)**. This Bill removes the prohibition against persons convicted of any drug felony from receiving federal food benefit assistance. It was signed by Governor Jack Markell on June 15, 2010.
- **HB 237 (Automatic Doors)**. Council wrote a letter of endorsement with some suggestions to improve the proposed amendment. This bill requires that all newly constructed businesses and other places of public accommodation be equipped with automatic doors to make the main entrances of such buildings accessible to persons with disabilities. It was signed into law by Governor Jack Markell on May 21, 2010.
- Council wrote a letter strongly endorsing **HB 345- Recognizing American Sign Language (ASL) as a “World Language”**. This bill recognized American Sign Language as a World Language for purposes of school curriculum. It was signed by Governor Jack Markell on June 10, 2010.

Many of the GACEC comments were taken into consideration and changes were made to the final regulations based upon those comments.



Wendy Strauss, Executive Administrator of the Governor's Advisory Council for Exceptional Citizens, speaks at the signing of House Bill 328. This bill ensures that all children with disabilities are entitled to a Free and Appropriate Public Education, as defined by the Third Circuit Court of Appeals.

GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS (GACEC)

The legal authority of this Council shall be Title 14, Chapter 31, Exceptional Persons, Sub. Sec. 3111: "The Governor shall appoint an advisory council to act in an advisory capacity to the State Board of Education and other State agencies on the needs of exceptional citizens." The General Assembly shall provide for the maintenance of the Council. The Council shall also serve in the capacity of the Advisory Panel as required by the Individuals with Disabilities Education Act (IDEA).

(a) *General.* The membership of the State advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make these appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with the education of children with disabilities including:

1. Parents of children with disabilities (ages birth through 26);
2. Individuals with disabilities;
3. Teachers;
4. Representatives of institutions of higher education that prepare special education and related services personnel;
5. State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);
6. Administrators of programs for children with disabilities;
7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
8. Representatives of private schools and public charter schools;
9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
10. A Representative from the State child welfare agency responsible for foster care; and
11. Representatives from the State juvenile and adult corrections agencies.

(b) *Special Rule.* A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

GACEC plants the seeds to ensure equal justice for Delawareans with disabilities and their families



GACEC MEMBERSHIP LIST 2009-2010

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Weih Steve Chang
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Lavina Smith
Mila Wells
Vanessa Withers-Little



Thank you GACEC members

GACEC members and staff are involved on a recurrent basis with the following organizations and committees. These groups assist the Council with interagency collaboration and coalition building.

Department of Education, Special Education Group

Interagency Coordinating Council (ICC) for Part C of IDEA

Developmental Disabilities Council (DDC)

CPAC- Child Protection Accountability Commission

DOE Transition Council

State Council for Persons with Disabilities (SCPD)

DE & Natl. Council for Exceptional Children (CEC)

Governor's Commission on Community-Based Alternatives for Individuals with Disabilities (GCCBAID)

Association for the Rights of Citizens with Mental Retardation in Delaware (ARC-Delaware)

Coordinating Council for Children with Disabilities (CCCD)

Parent Information Center of Delaware (PIC)

Autism Delaware (AD, formerly known as ASD)

Protection & Advocacy of Individual Rights (PAIR)

Univ. of DE Center for Disabilities Studies (CDS)

Dept. of Labor Vocational Rehabilitation Advisory Committee

DE Student Testing Program (DSTP) Task Force

Workforce Investment Act Advisory Board

Governor's Commission on Employment of People w/Disabilities

Division of Vocational Rehabilitation/Delaware Autism Program (DVR/DAP) Taskforce

Downs Syndrome Association

DOE IEP Work Group

Hearing Loss Association of DE

Universal Design Coalition

Building Blocks Capacity Grant Committee

Children&Adults w/Attention Deficit Disorder (CHADD)

SCPD Traumatic Brain Injury (TBI) Committee

Collaborative Efforts to Reinforce Transition Success (CERTS)

SCPD Public Relations Group

Healthy Delawareans w/Disabilities 2010

DOE Teacher Retention and Recruitment Committee

Delaware Ticket to Work Committee

Camden-Wyoming Challenger Little League

Speech/Language Pathologist Taskforce

Delaware Counseling Association

Alliance for Full Participation Committee

Abuse/Neglect Child Death Review Panel

Adult Autism Taskforce

Association for Supervision & Curriculum Development

Correctional Education Association

American Counseling Association

Natl. Assoc. for the Education of Young Children

Brandywine Special Needs PTA (BSNPTA)

Delaware Association of School Administrators

Delaware Family Support Coordinating Council

Respite Care Committee

DE Coalition for Americans w/Disabilities Act

**Delaware Family Voices-
National and DE Chapter of Hands and Voices**

The GACEC gratefully acknowledges the efforts and assistance of representatives from the Department of Education, representatives from various State of Delaware agencies and our invited guests. Council is indebted to these individuals who have been so helpful by attending our meetings to provide information, additional points of view and answer questions for our committees and Council as a whole.

Presenters & Topics 2009-2010

- ❖ **Mike Jackson, DOE Associate Secretary** -Education Budget Presentation
- ❖ **Jamie Wolfe, Center for Disabilities Studies (CDS):** Medicaid Buy-In Presentation
- ❖ **Martha Toomey, DOE Exceptional Children Division-** OSEP Visit, Annual Performance Review and Annual Performance Review (APR) Data Analysis
- ❖ **Dafne Carnright, Autism Delaware-** Educating Students on the Autism Spectrum
- ❖ **Wendy Pickett & Sylvia Gillpatrick, DOE-** Overview of the Delaware Comprehensive Assessment System (DCAS)
- ❖ **Nick Fina, CHOICES-** Making Language CHOICES Available to DE Families of Children with Hearing Loss
- ❖ **Jim Welch, Department of Correction (DOC)-** Update on Medical Services
- ❖ **Scott Richardson, University of Delaware (UD)-** Presentation on Special Education in Japan
- ❖ **Marie-Anne Aghazadian, Parent Information Center (PIC)-** DOE Prior Written Notice Form Concerns
- ❖ **Maureen Whelan, DOE-** DOC Educational Program Update
- ❖ **Barbi Hayes, Center for Community Justice-** “Mediation, Not Just a Parental Procedure Right?”
- ❖ **Rosanne Griff-Cabelli & Susan Campbell, DHSS-** Part C APR and State Performance Plan (SPP) indicators
- ❖ **Karen Townsend & Mary Moor, DSCY&F-** Child Mental Health Initiatives Presentation
- ❖ **Ellen Colson** - Presentation on “Social Thinking” programs for students with Aspergers Syndrome

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